

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUFINO ACEVEDO,

No. C 09-3692 WHA (PR)

Petitioner,

ORDER OF TRANSFER

vs.

JAMES YATES, Warden,

Respondent.

This is a habeas case brought pro se by a state prisoner to challenge denial of parole. Petitioner was convicted in Santa Clara County, which is in this district, and he is incarcerated at Pleasant Valley State Prison, which is in the Eastern District.

Because petitioner's claim is about the denial of parole, it is a challenge to the execution of his sentence, rather than the validity of it. Venue for habeas cases involving state prisoners is proper in either the district of confinement or the district of conviction, 28 U.S.C. 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

Pursuant to 28 U.S.C. 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this petition is **TRANSFERRED** to the United States District Court for the Eastern District of California.

IT IS SO ORDERED.

Dated: August 19, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE